

There was testimony at the January 31, 2024, House Labor and Commerce Committee hearing on HB 159 that the AELS Board voted to oppose interior design registration. That is not what occurred. From the Board meeting minutes from their May 2023 meeting:

A motion was made by Bob Bell, seconded by Ed Leonetti to recommend approval to add the profession of interior design to the AELS Board per 08.48. The motion failed via roll call vote. Yes: Ed Leonetti, Randall Rozier, Sterling Strait, Elizabeth Johnston  
No: Jake Maxwell, Fred Wallis, Bob Bell, Jeff Garness, Catherine Fritz  
Abstain: Loren Leman

Thus, the motion to support the addition of the interior design profession failed 4-5, with one abstention and one excused. That is not the same as voting to oppose registration and there has never been a motion to do so.

There were also some questions at that hearing which were not answered:

1) How does the AELS Board work?

It meets four times a year for full Board meetings to address proposed legislation and regulations, review and approve (or find incomplete) applications for registration by examination or comity. It reviews reports from national registration organizations, Department staff, and subcommittees. The meetings are either face-to-face or via teleconference. The face-to-face meetings are primarily in Anchorage because the Board cannot get permission from the Department to meet in Juneau or Fairbanks, which used to be two of their meetings. This is due to the limits on the Department's travel budget. Adding two seats will not alter how the Board operates but will give two different viewpoints to deliberations.

The regulations implementing the interior designer registration will be developed by a subcommittee which will likely consist of the initial interior designer and an architect. If that is all that are involved, the meetings do not need to be public noticed. However, if others want to be involved, they can be and all subcommittee meetings will be open to observation by the public. The subcommittee will develop draft regulations that mirror those for the other design professions. They will likely be discussed by the Board and sent back to the subcommittee for more work. It is likely that there will be informal input on the proposed regulations during the public comment portion of the agenda. Once the Board is satisfied with the regulations, they will go to a regulations specialist for formalizing and approval for public comment. The Department of Law will review them to ensure that they comply with AELS statutes and other laws. The regulations will then go out for a formal public comment period. Those comments will be compiled by the regulation specialist and read into the record at a Board meeting. The Board may amend the regulations based on those comments. If the amendments are minor, the regulations are modified by the regulation specialist and are sent to the Department of Law for one more review and then to the Lieutenant Governor's office for adoption. If the amendments are major, the regulations will go out for another formal public comment period.

The other facet Board activity is enforcement of the licensing regulations via investigation into complaints about unlicensed practice, substandard practice, and unethical practice. The Board as a whole do not get involved in the investigations, as they may be called to be the jury if the case gets that far (in my time on the Board, it never did). Once a complaint comes in to the Board's designated investigator, that person starts the case, collects facts, and may consult with one Board member to determine whether there is a case, or not. That Board member is usually in the discipline being investigated (for interior design cases that could also be one of the architects) and is then precluded from hearing the case. Most cases are dismissed or are resolved by cease-and-desist letters. Some result in consent agreements which must be approved by the Board. Very few cases result in trials before a hearing officer (none in my time on the Board).

2) Did the bill last spring solve the mechanical/electrical seat problem and will it create a fiscal problem?

Not really. A mechanical or electrical engineer will fill the mechanical or electrical engineer seat. The current statute allows, but does not require, the Governor to appoint a person of the other discipline to the "other discipline" seat. The recent appointment to that seat was a reappointment of the environmental engineer who has held that seat for the last four years. That means there are three civil engineers and no mechanical engineer on the Board. The current language adds specific electrical and mechanical engineer designated seats, as well as the interior designer seat.

This should not create a fiscal problem, seeing as the AELS Board has been running in the black for decades and travel is limited. The additional registrants will be a small percentage of the entire list of registrants, so the workload will not increase dramatically.

3) Has there been a life safety issue that this bill will solve?

There currently is no life safety issue, because if interior designers alter exiting or other life safety issues, they must hire an architect to stamp their drawings. This is an added level of review that is unnecessary and is costly to the public. However, if an interior designer wants to continue in that manner (and not get registered) they can continue to hire an architect to review their work or hire one of the registered interior designers. Thus, the public gets more options.

4) Do architecture and interior design overlap?

Yes. They both can design (or redesign) the interior elements of buildings. For example, a developer builds a spec office building. They hire an architect and several engineers to design the shell and the basic engineered systems for that building. The developer leases out a floor or floors or a part of a floor. At that time, the developer or the tenant may hire an architect or interior designer to do the layout of that space. They will work with a mechanical and electrical engineer to finish those systems and may need a structural engineer if there is high density filing or other odd load. Similarly, if a tenant moves out and a new one is moving in, they will need an architect or interior designer to prepare drawings for that remodel work. In both these cases, architects and interior designers can perform those tasks. If all you are doing is painting the walls and changing the flooring, neither an architect nor interior designer would be required, but could be of assistance.

5) Would an exemption or Department oversight be better options?

No and no. The exemption could not be for all interior design work without some limits to assure that the public health, safety, and welfare are protected. The exemption, at a minimum, would have to be limited to people with NCIDQ certification. This means delegating who is exempt to an Outside agency. Such an exemption would not allow the State of Alaska to require State specific requirements like cold weather design courses that architects, engineers, and landscape architects must satisfy (and interior designers here have taken).

If the job of regulating interior designers is left to a Department of Commerce licensing specialist, who is unlikely to have the requisite knowledge of the design industry, there will be conflicts with AELS regulations and/or investigations of unlicensed practice. The AELS Board already has had decades of conflicts with the Department of Environmental Conservation, who are trying to require registrants to do work that would violate the licensing statutes and regulations. We shouldn't invite more conflicts.